

**REMARKS / ARGUMENTS**

The present application includes pending claims 1-31, all of which have been rejected. By this Amendment, claims 1-31 have been amended, as set forth above, to further clarify the language used in these claims and to further prosecution of the present application. The Applicant respectfully submits that the claims define patentable subject matter.

Initially, the Applicant notes that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is essential that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the *initial review* of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, Office personnel *should* state *all* reasons and bases for rejecting claims in the *first* Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

See Manual of Patent Examining Procedure (MPEP) § 2106(II). As such, the Applicant assumes, based on the goals of patent examination noted above, that the present Office Action has set forth “all reasons and bases” for rejecting the claims.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter.

Claims 1-31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0104099, issued to Novak (hereinafter, Novak). The Applicant respectfully traverses these rejections at least for the reasons previously set forth during prosecution and at least based on the following remarks.

#### **I. Specification**

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. The Office Action states:

Correction of the following is required: The specification does not distinctly define (as it appears in paragraphs [12 and 91] of the specification) the characteristics of each of the claimed processors of Claim 31: "a media processing system processor, a media peripheral processor, a customized computer processor, a storage system processor and a customized computer executing media exchange software processor." Without further disclosure as to the distinctness of each claimed processor in Claim 31, each claimed processor will be treated as indistinguishable and therefore the broadest reasonable interpretation of a processor will be used in the interpretation of claim 31.

See Office Action at page 2. The Applicant respectfully disagrees and points out that the various types of processors stated in claim 31 are stated in paragraphs 12 and 91 of the specification. In addition, the Applicant submits that it

is known in the art what the terms “media peripheral”, “computer”, and a “storage system” mean. Therefore, the Applicant submits that there is no need for further clarification of the terms “media peripheral processor”, “computer processor”, and a “storage system processor.” With regard to the terms “media processing system (MPS)” and “media exchange software (MES)”, the Applicant submits that the specification is sufficiently informative as to the meaning of these terms. For example, the Examiner is referred to Figures 1A-3 and the corresponding description in paragraphs 29-66 for additional information on what is meant by “media processing system (MPS)” and “media exchange software (MES)”. Obviously, a “media processing system (MPS) processor” and a “media exchange software (MES) processor” would be a processor that performs the functionalities of a “media processing system (MPS)” and a “media exchange software (MES)”, as already described in the specification.

The Applicant respectfully requests that the objections to the Specification be withdrawn.

## **REJECTION UNDER 35 U.S.C. § 102**

### **II. Novak Does Not Anticipate Claims 1-31**

The Applicant now turns to the rejection of claims 1-31 under 35 U.S.C. 102(b) as being anticipated by Novak. With regard to the anticipation rejections

under 102(b), MPEP 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See *id.* (internal citation omitted).

**A. Rejection of Independent Claims 1, 11, and 21 under 35 U.S.C. § 102(b)**

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(b), the Applicant submits that Novak does not disclose or suggest at least the limitation of “wherein said media channel may be pushed from said first geographic location to a second geographic location,” as recited by the Applicant in independent claim 1.

The Office Action states the following:

In reference to Claim 1, Novak teaches a method of customizing a channel interface (shown in Figure 11 as described in Paragraphs [0078-0086]), the method comprising: determining at least one of personal media and broadcast media that is to be presented in a communication channel ("broadcast" or "synthetic" channel of Figure 8 as described in Paragraph [0071]); determining a schedule for presenting at least one of personal media and broadcast media (block 1108 of Figure 11 as described in Paragraph [0079]); and presenting the schedule comprising at least one of personal media and broadcast media (block 1116 of Figure 11 as described in Paragraph [0086]).

See Office Action at page 3. The Examiner relies for support on block 1116 of Novak's FIG. 11. Referring to FIG. 11 of Novak, at block 1116, Novak simply discloses that the provider 108 streams the media programs to the client terminal (the STB 152) for viewing by the end user. FIG. 11 of Novak, including block 1116, does not disclose presenting a schedule which includes personal and/or broadcast media, in a media guide. More importantly, Novak, including all steps in FIG. 11 of Novak, does not disclose or suggest that the communication channel, which includes personal and/or broadcast media, may be pushed from the first geographic location (where the STB 152 is) to a second geographic location. In fact, Novak discloses that media can be uploaded to a server and a network provider may communicate the uploaded media to an end user. In this regard, Novak does not disclose or suggest at least the limitation of "wherein said media channel may be pushed from said first geographic location to a second geographic location," as recited by the Applicant in independent claim 1.

Furthermore with regard to the rejection of independent claim 1 under 35 U.S.C. § 102(b), the Applicant submits that Novak does not disclose or suggest at least the limitation of "determining a schedule for presenting said one or both of personal media and/or broadcast media in said media channel," as recited by the Applicant in independent claim 1. The Examiner relies for support on block 1108 of Novak's FIG. 11. Referring to FIG. 11 of Novak, at block 1108, Novak simply

discloses that uploaded media objects may be linked to a local studio and/or cable service provider. Novak, including FIG. 11, does not disclose or suggest that any schedule for presenting of the personal and/or broadcast media is determined. The Applicant maintains that Novak does not disclose or suggest at least the limitation of "determining a schedule for presenting said one or both of personal media and/or broadcast media in said media channel," as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Novak and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

**B. Rejection of Dependent Claims 2-10, 12-20, and 22-31**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, and 21 under 35 U.S.C. § 102(b) as being anticipated by Novak has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-10, 12-20, and 22-31 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

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The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2-10, 12-20, and 22-31.

**CONCLUSION**

Based on at least the foregoing, the Applicant believes that all claims 1-31 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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